IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 7139 of 1998

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

VERAVAL - PATAN TALUKA COOPERATIVE SALE AND PURCHASES

Versus

STATE OF GUJARAT

Appearance:

MR ND NANAVATY SR. ADVOCATE for Petitioner

MS MANISHA LAVKUMAR for Respondents Nos. 1, 2 & 3

MR JAYANT PATEL for Respondent No. 4

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 13/06/2000

ORAL JUDGEMENT

1. The petitioner is a registered apex co-operative society which was operating as a Sale and Purchase Union at Veraval Taluka including Sutarapada and surrounding areas of Sutarapada. It is not in dispute that subsequently from Veraval Taluka, Sutarapada was taken

out with many other villages and it was constituted as a separate Taluka. As it is a separate taluka, an apex cooperative society for sale and purchase for this new taluka is to be registered and accordingly, on application, respondent no.4 was registered. This order of the registration of respondent no.4 as an apex co-operative society of Sutarapada taluka has been challenged by the petitioner in the appeal before the Add.Registrar of the Co-Operative Society, Gujarat Government which was dismissed on 23rd of April, 1998. The matter was taken up by the petitioner in revision before the State Government which was also dismissed on 18th August, 1998. Hence, this Special Civil Application.

2. Two fold contentions have been raised by the learned counsel for the petitioner. Firstly, it is contended that before registering the respondent no.4 as an apex co-operative society, the petitioner was not given adequate opportunity of hearing. The second contention raised is that the godowns, etc., of the petitioner-society are there in the villages which are now the part of Sutarpada taluka and the petitioner is rendering services to its members primary societies, whose members are residents of those villages and this society, respondent no.4, should not have been registered. The learned counsel for the respondents supported the orders passed by the District Registrar, Additional Registrar and State Government.

3. Having given my thoughtful consideration to the rival contentions raised by the learned counsel for the parties, I am satisfied that this petition is wholly without any substance and merits.

4. When a new taluka has been constituted, an apex co-operative society for it has to be registered and that what has been done under the impugned order. It is true that earlier Sutarapada and its other villages which are now part of this new taluka were in Veraval Taluka and godowns of the petitioner would have been there in different villages of this new Taluka. These may be the primary societies and may be the members of this apex society, but after bifurcation of the taluka and those villages are formed the part of new taluka, naturally, these primary societies are to be the members of this new apex society constituted on the constitution of new taluka. In view of this fact, even if the opportunity of hearing is not given to the petitioner, I fail to see how any prejudice is caused and in fact, has not been caused to the petitioner. The learned counsel for the

petitioner, otherwise also, failed to say what prejudice has caused to the petitioner for not giving an opportunity of hearing to it before passing the order of the registration of Respondent no.4 as an apex society by the District Registrar concerned. So far as the second contention is concerned it is suffice to say that now the new taluka has been formed/constituted, as such, these godowns, if are there in the villages of the new Taluka of the petitioner, same are to be withdrawn. The petitioner cannot operate now in the area which fall within the territory of new taluka. Within that territory, the respondent no.4 is the only society which can work and operate.

5. In the result, this Special Civil Application fails and the same is dismissed. Rule is discharged. Interim relief, if any, granted stands vacated. In the facts of this case, no order as to costs.

(S.K. Keshote, J.)
(kamlesh)